

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AMYRIS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 23-11131 (TMH)

(Jointly Administered)

Docket Ref. Nos.: 19, 54, 322

Hearing Date: October 4, 2023 at 10:00 a.m. (ET)

**NOTICE OF FILING (I) REVISED PROPOSED FINAL ORDER (I) AUTHORIZING
THE DEBTORS (A) TO OBTAIN POSTPETITION FINANCING AND (B) TO
UTILIZE CASH COLLATERAL, (II) GRANTING ADEQUATE PROTECTION TO
PREPETITION SECURED PARTIES, (III) MODIFYING THE AUTOMATIC STAY,
(IV) SCHEDULING A FINAL HEARING, AND (V) GRANTING RELATED RELIEF;
AND (II) NOTICE OF AMENDMENT NO. 3 TO THE SENIOR SECURED SUPER
PRIORITY DEBTOR IN POSSESSION LOAN AGREEMENT**

PLEASE TAKE NOTICE OF THE FOLLOWING:

1. On August 9, 2023, the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) filed the *Motion of the Debtors for Interim and Final Orders (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief* [Docket No. 19] (the “Motion”).

2. On August 11, 2023, the Court signed the *Interim Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a*

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://cases.stretto.com/Amyris>. The location of Debtor Amyris Inc.’s principal place of business and the Debtors’ service address in these chapter 11 cases is 5885 Hollis Street, Suite 100, Emeryville, CA 94608.

Final Hearing, and (V) Granting Related Relief [Docket No. 40] (the “Interim DIP Order”). Pursuant to the Interim DIP Order, objections to entry of a final order granting the Motion were due no later than August 31, 2023 at 4:00 p.m. Eastern Time (the “Objection Deadline”). The Objection Deadline was extended for the Official Committee of Unsecured Creditors (the “Committee”) to September 7, 2023.

3. The Debtors received informal responses from the Committee. On September 13, 2023, the Committee filed a Statement regarding the Motion [Docket No. 267].

4. On August 31, 2023, Lavvan, Inc. (“Lavvan”) filed a Limited Objection to the Motion [Docket No. 172]. On September 8, 2023, Lavvan, subsequently filed a Supplemental Objection to the Motion [Docket No. 211].

5. On September 11, 2023, the Debtors filed the *Redacted Reply of the Debtors in Support of Final Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief* [Docket No. 238] (the “Reply”). Attached to the Reply as Exhibit A was a revised proposed final Order (the “Proposed Final Dip Order”).

6. On September 13, 2023, the Ad Hoc Cross-Holder Group (the “Group”) filed a Preliminary Statement regarding the Motion [Docket No. 269].

7. On September 13, 2023, the Debtors filed a *Notice of Amendment No. 1 to the Senior Secured Super Priority Debtor in Possession Loan Agreement* [Docket No. 263] (the “Amendment No. 1”).

8. On September 19, 2023, the Court entered the *Second Interim Order (I) Authorizing Debtors (A) to Obtain Postpetition Financing and (B) to Utilize Cash Collateral, (II) Granting*

Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Docket No. 322] (the “Second Interim DIP Order”) approving further relief with respect to the Motion on a further interim basis pending a final hearing on the Motion.

9. On September 28, 2023, the Debtors filed a *Notice of Amendment No. 2 to the Senior Secured Super Priority Debtor in Possession Loan Agreement* [Docket No. 398] (the “Amendment No. 2”).

10. The Debtors have entered into *Amendment No. 3 to Senior Secured Super Priority Debtor in Possession Loan Agreement* (the “Amendment No. 3,” together with Amendment No. 2 and Amendment No. 1, the “DIP Amendments”), attached hereto as **Exhibit A**.

11. Attached hereto as **Exhibit B** is a further revised version of the Proposed Final DIP Order (the “Revised Proposed Final DIP Order”).

12. Attached hereto as **Exhibit C** is a redline of the Revised Proposed Final DIP Order reflecting changes against the Proposed Final DIP Order filed with the Reply incorporating the terms of the Amendments, the Second Interim DIP Order, and certain clarifications given the passage of time since the Proposed Final DIP Order was filed.

Dated: October 3, 2023

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Steven W. Golden

Richard M. Pachulski (admitted *pro hac vice*)

Debra I. Grassgreen (admitted *pro hac vice*)

James E. O'Neill (DE Bar No. 4042)

Jason H. Rosell (admitted *pro hac vice*)

Steven W. Golden (DE Bar No. 6807)

919 N. Market Street, 17th Floor

P.O. Box 8705

Wilmington, DE 19899-8705 (Courier 19801)

Telephone: (302) 652-4100

Facsimile: (302) 652-4400

Email: rpachulski@pszjlaw.com

dgrassgreen@pszjlaw.com

joneill@pszjlaw.com

jrosell@pszjlaw.com

sgolden@pszjlaw.com

*Counsel to the Debtors and o
Debtors-in-Possession*

EXHIBIT A

Amendment No. 3

EXHIBIT B

Revised Proposed Final DIP Order

EXHIBIT C

Redline of Revised Proposed Final DIP Order